

MEMO ENDORSED

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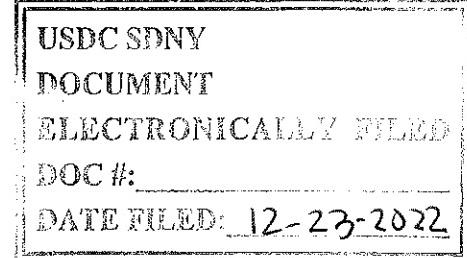
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December 22, 2022

VIA ECF

Hon. Lewis A. Kaplan
United States District Judge
United States District Court
Southern District of New York
500 Pearl St., Courtroom 21B
New York, NY 10007



Re: *In re Ex Parte Application of SPS I Fundo De Investimento De Ações – Investimento No Exterior*, 22-MC-00118-LAK

Dear Judge Kaplan:

We represent Intervenors Joesley Batista, Wesley Batista, JBS S.A., and J&F Investimentos S.A. whose rights and interests are implicated in this discovery matter under 28 U.S.C. § 1782. We write to respectfully request that the Court enter an administrative interim stay of its April 26, 2022 order (Dkt. No. 8) and December 9, 2022 order (Dkt. 34), which allowed Petitioner to serve discovery under § 1782. Intervenors seek this limited relief only until (1) this Court resolves Intervenors' contemporaneously filed motion for a stay pending appeal, and (2) the Second Circuit resolves any renewed stay motion that Intervenors may make under Federal Rule of Appellate Procedure 8(a). Intervenors also respectfully request that the Court consider this motion on an expedited basis.

An administrative stay is necessary to preserve the status quo while this Court (and if necessary, the Second Circuit) considers the merits of the motion for a stay pending appeal. *See Smarter Tools Inc. v. Chongqing SENCI Imp. & Exp. Trade Co.*, No. 18-CV-2714 (AJN), 2019 WL 11825336, at *3 (S.D.N.Y. July 26, 2019) (granting an administrative stay pending the Second Circuit's determination of the plaintiff's motion for a stay pending appeal). Courts often grant administrative stays such as the one Intervenors seek here to avoid irreparable harm. *See, e.g., Everytown for Gun Safety Action Fund, Inc. v. Defcad, Inc.*, No. 22-1183, 2022 WL 2677746, at *5 (2d Cir. July 12, 2022) (noting the administrative stay imposed earlier in the proceeding); *Hassoun v. Searls*, 976 F.3d 121, 126 (2d Cir. 2020) (noting the grant of administrative stay and stay pending appeal).

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Memorandum Endorsement

In re Application of SPS I Fundo, etc., 22-mc-0118 (LAK)

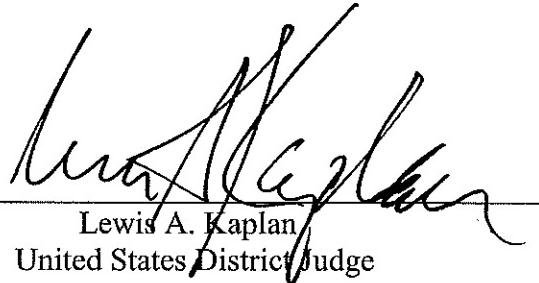
Intervenors seek what they characterize as an administrative stay of discovery pending resolution of their motion for a stay pending appeal and any renewed stay motion they may make in the Court of Appeals.

The Court hereby directs that the applicant for discovery under 28 U.S.C. § 1782 file any opposition to the Intervenors' motion in this Court for a stay of discovery pending appeal on or before January 6, 2023 and that Intevenors file any reply papers in support of their motion on or before January 10, 2023.

In view of the short interval that would elapse between now and the full briefing of Intervenors motion for a stay pending appeal, Intervenors' motion is granted to the extent that discovery from the outstanding subpoena to J.P. Morgan Chase is stayed pending this Court's ruling on Intervenors' motion for a stay pending appeal. The motion is denied in all other respects.

SO ORDERED.

Dated: December 23, 2022



Lewis A. Kaplan
United States District Judge